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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/273,261	03/22/1999	TAKUMA HATTORI	755-TM546	6894

7590 09/10/2002

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EXAMINER

NGUYEN, DUNG T

ART UNIT PAPER NUMBER

2871

DATE MAILED: 09/10/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.
09/273,261

Applicant(s)
Hattori et al.

Examiner
Dung Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Jul 12, 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on Mar 22, 1999 is/are a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ 6) ☐ Other: _____

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DETAILED ACTION

The request filed on 07/12/2002 for a Continued Prosecution Application (CPA) under 37 CFR 1.53(d) based on parent Application No. 09/273,261 is acceptable and a CPA has been established. An action on the CPA follows.

Applicant's amendment dated 07/12/2002 has been received and entered.

Applicant's arguments have been considered but are moot in view of the new grounds of rejection.

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the coloring pigment (claims 3-4) must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior

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art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-4 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Murakami, JP 63-276540, in view of Baker et al., US Patent No. 5,200,477.

Regarding claims 1-2 and 7, Murakami disclose an attachment film (figure 1) comprising:

- a transparent substrate (1);
- an adhesive layer (3) containing powder dispersed (e.g. 3);

However, Murakami does not disclose a carbon black particle having a diameter and a BET specific surface area. Baker et al. do disclose that a carbon black having an average particle diameter from 1 to 100 nm, and a specific surface area of from 30 to 1,500 m²/g can be formed in the adhesive layer. Thus, such disclosed range in Baker et al. makes possible the claimed range and overlapping ranges are at least obvious. See *In re Malagari*, 499 Fed.2d 1297, 182 USPQ 549 CCPA 1974. Furthermore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to form an adhesive layer having a carbon black particle in order to improve an effective means for post reactor catalyst deactivation and stabilization without melt compounding (col. 2, lines 60-62).

Regarding claims 3-4, the modification of Murakami disclose the claimed invention as described above except for the adhesive layer containing a coloring pigment (e.g, red and blue). One of ordinary skill in the art would have realized the desire to use an adhesive layer contains a coloring pigment different from the carbon black for adjusting colors different from black, e.g. blue or red. Therefore, it would have been obvious to one of ordinary skill in the art at the time

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of the invention to employ red or blue pigment in the adhesive film because it is a common practice in the art for adjusting color display in a display device.

4. Claims 5-6 and newly added claim 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Murakami, JP 63-276540, in view of Baker et al., US Patent No. 5,200,477, further in view of Kawazu et al., US Patent No. 5,876,854.

Regarding claims 5-6 and 12, Murakami, as applied in prior rejection, disclose all claimed subject matter except the attachment film being colored in neutral gray. Kawazu et al. disclose the attachment film being colored in neutral gray. The a-value and b-value of neutral gray which are within ± 5 each when measured with a color different meter to reduce the dazzle caused by reflection and in order to assure correct color of displayed image (column 3 lines 15-34). Therefore, it would have been obvious at the time the invention was made to a person having ordinary skill in the art to make attachment film having color in neutral gray; and neutral gray having an a-value and b-value are within ± 5 to reduce the dazzle caused by reflection and in order to assure correct color of displayed image.

5. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Murakami, JP 63-276540, in view of Baker et al., US Patent No. 5,200,477, further in view of Conforti et al., US Patent No. 5,620,819 and Ueda et al., US Patent No. 5,968,244.

Regarding claim 8, Murakami, JP 63-276540, as applied in prior rejection, disclose all claimed subject matter except adhesive layer containing an acrylic adhesive having a carboxyl group and/or a hydroxyl group and the carbon black is an acidic carbon black. Conforti et al.

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disclose an adhesive layer (18) having a carboxyl groups to develop rapidly substantial precuring and pre-curing adhesion (column 16 lines 54-59). Ueda et al. disclose a carbon black being an acidic carbon black to produce excellent dispersibility in water by increasing the surface area and having chemical properties akin to water-soluble dyes (column 2 lines 52-58). Therefore, it would have been obvious at the time the invention was made to a person having ordinary skill in the art to make adhesive layer containing an acrylic adhesive having a hydroxyl group or carboxyl group to develop rapidly substantial precuring and pre-curing adhesion. Also, it is known that carbon black is acidic to produce excellent dispersibility in water by increasing the surface area and having chemical properties akin to water-soluble dyes.

6. Claims 9-10 and newly added claim 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Murakami, JP 63-276540, in view of Baker et al., US Patent No. 5,200,477, further in view of Urano et al., US Patent No. 5,800,952.

Regarding claims 9-10 and 13, Murakami, as applied in prior rejection, disclose all claimed subject matter except that the adhesive layer further contains a photopolymerizable compound and a photo polymerization initiator. The adhesive layer contains a (meth) acrylate resin as an adhesive and a (meth) acrylate monomer or oligomer as photopolymerizable compound. Urano et al. disclose the adhesive layer further contains a photopolymerizable compound and a photo polymerization initiator to improve the developability, the sensitivity, the image-reproducing property and the adhesive property. The organic binder polymer material may, for example, be an alkyl ester which may have a substituent, of (meth) acrylate) and alkali-

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solute polymer comprising a monomer having (meth) acrylic acid monomer or photopolymerizable compound to develop with alkali aqueous solution but not with organic solvent (column 2 lines 12-41 and Column 7 lines 17-36). Therefore, it would have been obvious at the time the invention was made to a person having ordinary skill in the art to have adhesive layer containing a photopolymerizable compound, a photo polymerization initiator, (meth) acrylate resin to improve the developability, the sensitivity, the image-reproducing property and the adhesive property.

7. Claims 8-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Murakami, JP 63-276540, in view of Baker et al., US Patent No. 5,200,477, further in view of Komiyama et al., US Patent No. 5,356,949.

Regarding the above claims, Murakami, as applied in prior rejection, disclose all claimed subject matter except that the adhesive layer contains an acrylic adhesive having a carboxyl group and/or hydroxyl group and the carbon black is an acidic carbon black. The adhesive layer further contains a photopolymerizable compound and a photo polymerization initiator. The adhesive layer contains a (meth)acrylate resin as an adhesive and a (meth)acrylate monomer or oligomer as the photopolymerizable compound. Komiyama et al. disclose an adhesive layer contains an acrylic adhesive i.e. epoxy acrylate, polyester acrylate, (meth)acrylic acid, epoxy acrylate etc... having carboxyl group and hydroxyl group (col. 3, line 19-col.4, line 42). Komiyama et al. also disclose an adhesive layer contains a photopolymerizable compound and a photo polymerization initiator; a (meth)acrylate resin as an adhesive (Abstract, col. 3, line 19-

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col.7, line 41). Therefore, it would have been obvious at the time the invention was made to a person having ordinary skill in the art to have the adhesive layer contains an acrylic adhesive, a photopolymerizable compound, a photopolymerizable initiator etc... for the benefits of improving the developability, the sensitivity, the image-reproducing property and the adhesive property.

8. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Murakami, JP 63-276540, in view of Baker et al., US Patent No. 5,200,477, further in view of Aoyama et al., US Patent No.6,147,732.

Murakami, as applied in prior rejection, disclose all claimed subject matter except for a hard coating layer and an anti-reflecting layer being consecutively formed on the other surface of a transparent substrate. Aoyama et al. disclose in Fig. 38 that the adhesive layer (12) is formed on one surface of a transparent substrate (25) and a hard coating layer (10) and an anti-reflecting layer (15) are consecutively formed on the other surface of the transparent substrate. It is noted that the materials of hard coating layer (10) of Aoyama et al. (col. 7, lines 26-34) are the same materials as those of applicant (page 7 of specification, lines 4-6, i.e. acrylic resin). Therefore, it would have been obvious at the time the invention was made to a person having ordinary skill in the art to employ adhesive layer being formed on one surface of a transparent substrate. Furthermore, a hard coating layer and an anti-reflecting layer being consecutively formed on the other surface of the transparent substrate, for the ease to see the display image.

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Response to Arguments


Regarding claim 1, in response to applicant's argument that Murakami does not disclose or suggest an adhesive layer having a property of re-separable, it should be noted that the Murakami's adhesive layer (e.g., alkyl resin) comprises a group of alkyl which have a property of being re-separable. Therefore, the limitation of claim 1 met.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Dung Nguyen whose telephone number is (703) 305-0423. The fax phone number for this Group is (703) 308-7722.

Any information of a general nature or relating to the status of this application should be directed to the group receptionist whose telephone number is (703) 308-0956.

DN
09/09/2002


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Group 2871